IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.2809 OF 1998

Shri Dayaram Ganpat Bada
30/1199,D.N.Nagar
Andheri(West), M.H.B. Colony
Mumbai 400 053. ..Petitioner

Vs.

1. State of Maharashtra through
its Secretary, Tribal Development
Department, Mantralaya,
Mumbai-400 032.

2. Chairman
Committee for Scrutiny and
Verification of Tribe Claims
Maharashtra State, Pune.

3. Tahsildar and Executive Magistrate
Alibag, Dist: Raigad

4. Secretary
Maharashtra Housing and
Area Development Authority
Mumbai- 400 051. ..Respondents

Mr.R.K.Mendadkar with Ms. Helen KoliMandlik for Petitioner
Mrs. S.S. Bhende, A.G.P. for Respondent Nos.1 to 4.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 24TH MARCH, 2005.

JUDGMENT (PER F.I.REBELLO,J.)

. Petitioner is working in the Office of Maharashtra Housing and Area Development Authority. He was recruited against the Post meant for Scheduled Tribe. He is employed since 2nd June, 1973. The Caste Certificate produced by the Petitioner was ultimately referred to the Tribe

Scrutiny Committee. On the first occasion as the Petitioner did not appear his claim was rejected. Petitioner filed a Petition before this Court bearing Writ Petition No.4021 of 1996, that was allowed by order dated 8th August, 1996 and the matter was referred back to the Committee. The Committee on remand conducted the school and home enquiry and also examined the Petitioner with reference to the Traits, characteristics and customs. The Committee based on the material available came to the conclusion that the Petitioner did not belong to the Mahadev Koli, Scheduled Tribe and consequently rejected his claim as belonging to the Mahadev Koli, Scheduled Tribe. It is against this order the Petitioner has filed the present Petition.

. On considering the order of the Committee more so the home study report which was made available to the Petitioner and the findings on Tribal Traits and characteristics, we do not find that the order suffers from any error apparent on the face of the record. It cannot also be said that he findings are perverse. Considering that no interference is called for.

. Counsel for the Petitioner however, states that the Petitioner would be entitled to the benefit

of Government G.R. of 1995 as he was in service since June, 1973 and as he belongs to the Koli Caste which is a Special Backward Class. The Government G.R. of 1995 is applicable to the Maharashtra Housing and Area Development Authority.

. The Petitioner within four weeks from today to apply to the Competent Officer for a Caste Certificate. On such an application the Competent Officer to issue the certificate if the Petitioner is eligible within eight weeks thereafter. The Petitioner will produce the same before Respondent No.4 who will refer the same to the Caste Scrutiny Committee. The Caste Scrutiny Committee to verify the caste claim of the Petitioner within six months thereafter. If the Petitioner's claim as belonging to Koli Caste is upheld and if Government G.R. of 1995 is applicable to Respondent No.4, the Respondent No.4 not to terminate the services of the Petitioner.

. Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)